

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:06CR129**

**KENNETH BUSBY**

**ORDER**

This cause is before the Court on the defendant's Motion for Continuance [124]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on October 1, 2007. In support of the motion, defense counsel avers that his trial preparation efforts on behalf of the defendant in another matter have hampered his ability to adequately prepare for the instant trial. Upon inquiry, this Court learned that Mr. Busby recently entered into a plea agreement addressing the charges in the other case, thereby freeing defense counsel to prepare for the upcoming trial in this matter. The government opposes to the requested continuance.

After due consideration of the matter, the Court is of the firm conviction that a continuance is unwarranted under the facts before the Court. The case against the defendant has been pending for nearly a year; defendant has received a number of continuances to permit more thorough preparation in the past. Furthermore, the resolution of the other case against defendant Busby leaves defense counsel ample time to prepare for the scheduled trial of this matter. Accordingly, the Court concludes that the defendant's motion is not well-taken and should be denied. This matter will

proceed to trial as previously scheduled on October 1, 2007.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion for Continuance [124] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 18<sup>th</sup> day of September, 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE